

EMERGENCY
City of Cincinnati

CHM

AWB

An Ordinance No. _____ - 2021

AUTHORIZING the City Manager to execute *Limited Warranty Deeds* and a *Grant of Easement* in favor of the State of Ohio for the use and benefit of the Ohio Department of Transportation to convey fee simple interests in and to, and a perpetual subsurface easement in, under, and through, real property located adjacent to Interstate 75 in the Central Business District and West End neighborhoods of Cincinnati in connection with transportation improvement project HAM 75 – 00.22.

WHEREAS, the City owns certain real property adjacent to Interstate 75 in the Central Business District and West End neighborhoods, as more particularly described in the *Limited Warranty Deed* and *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference (the “Property”), which Property is under the management and control of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, the Ohio Department of Transportation (“ODOT”) is undertaking a transportation improvement project that will result in the reconstruction of the Brent Spence Bridge and the widening of Interstate 75 (the “Project”), and it desires to acquire certain rights, title, or interests in and to the Property in connection therewith (designated by ODOT as HAM 75 – 00.22 Project Parcels 20 WL, 21 WL, 75 SS, 76 SS, 76 WL, 77 SS, 77 WL, 78 SS, 78 WL, 79 SS, 79 WL, 80 SS, 80 WL, and 83 WL, as generally depicted on the ODOT right-of-way plans attached to this ordinance as Attachment B); and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, being the officer having the custody and control of the Property, upon confirmation by DOT, has determined that the Property is not needed for a municipal purpose, and that the City’s disposition of the Property to ODOT will not be detrimental to the interests of the general public; and

WHEREAS, the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$417,846, which ODOT has agreed to pay; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interests of the City; and

WHEREAS, the City has determined that the City's disposition of the Property, without competitive bidding, is in the City's best interests because ODOT desires to acquire the Property to facilitate a public transportation improvement project that will benefit the public; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of City property, approved the sale of the Property to ODOT at its meeting on January 15, 2021; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute *Limited Warranty Deeds* and a *Grant of Easement* in favor of the State of Ohio for the use and benefit of the Ohio Department of Transportation ("ODOT"), in substantially the form as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City will convey to ODOT fee simple title to certain real property designated by ODOT as HAM 75 – 00.22 Project Parcels 20 WL, 21 WL, 76 WL, 77 WL, 78 WL, 79 WL, 80 WL, and 83 WL and perpetual subsurface easements in certain real property designated by ODOT as HAM 75 – 00.22 Project Parcels 75 SS, 76 SS, 77 SS, 78 SS, 79 SS, and 80 SS (the "Property") to facilitate a public transportation improvement project that will result in the reconstruction of the Brent Spence Bridge and the widening of Interstate 75 (the "Project"), which Property is generally depicted on the ODOT right-of-way plans attached as Attachment B to this ordinance and incorporated herein by reference.

Section 2. That the Property is not needed for a municipal purpose, and that the City's conveyance of the Property to ODOT will not be detrimental to the interests of the general public.

Section 3. That the approximate fair market value of the Property, as determined by appraisal by the City's Real Estate Services Division, is \$417,846, which ODOT has agreed to pay.

Section 4. That it is in the best interests of the City to convey the Property to ODOT without competitive bidding because the Property is needed for the Project and the conveyances will benefit public transportation.

Section 5. That all proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including executing all necessary deeds, plats, and other real estate documents.

Section 6. That the proceeds from the sale of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

Section 7. That the City's Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street Improvements," in which "YY" represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 8. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the

emergency is the immediate need to convey the Property to ODOT without delay to avoid any unnecessary delays to the Project.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk